

REPORT OF MAGISTRATE JUDGE

On May 9, 2005, counsel for defendants Cannon and Novak filed with the court a copy of the envelope in which they had attempted to serve the plaintiff with their

motion for summary judgment. The envelope was returned to counsel with the notation “out of jail” thereon.

The record reveals that the plaintiff was advised by order dated November 12, 2004, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

s/Bruce H. Hendricks
United States Magistrate Judge

May 17, 2005

Greenville, South Carolina